



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

May 25, 2021

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Amy Erdt
Greg Hemer
Adam Khosroabadi
Robert Massey
Jacob Sherman

Staff: Laura Weigel, Planning Manager
Vera Kolias, Senior Planner
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

(00:07:17)

1.0 Call to Order – Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

(00:08:28)

2.0 Minutes

The Planning Commission reviewed the March 23, 2021 minutes. Commissioner Massey's titled needed to be changed from Chair to Commissioner. The Planning Commissioner approved the amended minutes.

(00:10:34)

3.0 Informational Items

Laura Weigel, Planning Manager informed the Planning Commission that Waverly Woods was now referred to as Birnam Oaks. The developer submitted their final plat and were working on their tree protection activities. Also, the Monroe Apartments project was not going to continue and there was a developer who may take over the project.

(00:11:31)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:12:12)

5.0 Public Hearing Items

(00:12:27)

5.1 VR-2021-006 Providence Supportive Housing Height Variance Continued

This was a continued hearing from May 11, 2021. The applicant was requesting a variance on a vacant lot located on the northwest corner of Llewellyn St and 34th Ave. The applicant applied for three variances, which included reduced front and rear transition measures setback, reduced building setback requirements for the street-facing stories above 45 ft, and general mixed use (GMU) building height variance for the 4th and 5th stories. They were seeking approval for the three variances prior to applying for federal funding. As proposed, the development will be a 5-story mixed use building with 72 affordable units for seniors with zero to 30% of the median family income (MFI). Elder Place PACE Center, which is a medical clinic for the residents will be onsite. During the hearing on May 11, the Planning Commission decided to continue the hearing and kept the record open until May 18th for new written testimony from the public and applicant. From May 18th until the 25th, the applicant and public had an opportunity to respond to any new information that was presented the week prior.

Mary Heberling, Assistant Planner shared the staff report. The first week the City of Milwaukie received four new public comments and additional testimony from the applicant. The second week the City of Milwaukie received comments from two community members and rebuttal testimony from the applicant. The Planning Department recommended approval of the variances and findings.

The Planning Commission discussed the state laws for land use review timelines of the project. **Heberling** shared, the state recently changed the law that affordable housing developments needed to receive a decision within 100 days after the application was deemed complete. Appeals needed to be completed within this timeframe as well. All other land use applications must have a decision within 120 days after the application is deemed complete.

The Planning Commission discussed the proposed building height. **Chair Loosveldt** asked about the proposed building height and why the applicant was seeking a building height of 62ft. **Heberling** responded, the GMU zone allowed height bonuses beyond the maximum height. To receive a bonus 25% of the building needed to be residential and the applicant met that, which meant they could apply for an additional story. Another incentive for a height bonus was to develop a certified green building. With the bonus height criteria, the applicant had a chance to apply for a bonus height of 69 ft and decided to propose 62 ft as the building height.

The Planning Commission discussed the setback variances. **Chair Loosveldt** asked the Planning Department to explain why they supported the variances. **Heberling** responded, the site was surrounded by the Residential R – 3 (R-3) zone to the north, south, and east. The GMU zone stated that if a development was next to a lower

density zone, which the R-3 was, the proposed development must meet the setbacks of the lower density zone. In this case, the applicant must meet the setback requirements for the R-3 zone. The eastside of the building, which was closer to 34th Ave, had a 15 ft setback, which was consistent with the R-3 zone. To the north, which was the back of the property, the applicant was asking for a 11 ft setback for the first floor only. The Planning Department supported that variance because the applicant addressed possible impacts and mitigation activities. Currently, on the site there were trees between the site and properties on the northside. The applicant would like to keep the trees there to serve as a buffer between the properties. The applicant applied for a variance for the front (south side) of the building as well. As proposed, 40 ft of the building on the western half, which would be closer to 32nd Ave, would be setback 2 ft versus the 15 ft setback requirement of the R-3 zone. On the eastern half and remaining 90 ft of the building, the setback would be 20 ft versus the 15 ft. A 20 ft setback was also the maximum setback for the GMU zone. The GMU zone was intended for buildings to be closer to the street. The Planning Department was comfortable approving this application because the setbacks the applicant was seeking setback variances for were portions of the building that would be closer to Providence Hospital and their parking lot. The applicant wanted the building to be closer to the street to better serve the residents and seniors who would visit the clinic. **Vice Chair Edge** asked, if the front setbacks and transition requirements were based on the zone designation or the uses of the buildings. **Heberling** responded, it was technically the zone designation. However, in the R-3 zone a variety of uses were allowed. An applicant had the ability to apply for a conditional use for a commercial use in the R-3 zone. **Commissioner Sherman** asked, if the zone across the street was GMU, many of the issues being discussed would not be a concern, correct? **Heberling** responded, yes, especially for the transition measure setbacks. The applicant could have submitted a proposal for a zero setback.

The Planning Commission asked the applicant final questions about their proposal. **Commissioner Erdt** asked if the unoccupied clinic was available to non-Providence medical providers? **The applicant** responded, the clinic could be used by medical professionals outside of Providence. **Commissioner Khosroabadi** shared that there were concerns about the trees on the property. However, the arborist report stated the impact to trees would be low. They wanted the applicant to further explain the impact to the trees based on their proposed development. **The applicant** responded, the arborist shared with them that there would not be any impacts to the trees. Development may be close to the drip line and revisions to the structure of the building was possible to avoid impacts to the trees on the site. **Commission Hemer** asked, why the applicant was not constructing their building completely within the R-3 zone. **The applicant** responded, based on environmental impacts the parking lot was not ideal for residential which determined how they proceeded with developing their project.

The Planning Commission discussed the set and step backs of the proposal. **Commissioner Edge** shared, the applicant did not submit a proposal that aligned with the R-3 setbacks and transition requirements. However, after rereading the applicant's and Planning Department's reports and understanding the surrounding properties this was an approvable proposal. **Commissioner Hemer** shared, many years ago, there were conversations about set and step backs and ensuring 5-story building were not dominating the neighborhood. If the building was in the middle of a GMU and not as

close to the R-3 zone, they would support the proposal and variances. **Commissioner Sherman** shared, the design of the proposal, proposed open spaces, and other activities would provide some of those transition measures.

The Planning Commission discussed the building height. **Commissioner Hemer** said, the applicant 100% qualified for the building height variance. The applicant met the criteria for a variance.

The proposal was approved with a 6-1 vote.

(01:02:52)

6.0 Work Session

(01:02:52)

6.1 Comprehensive Plan Implementation - Draft Code / Map Amendments

Vera Kolias, Senior Planner shared an update about the Comprehensive Plan Implementation Project. The project schedule had changed slightly. Originally the goal was to adopt the code in June, but that had been pushed to fall or winter of 2021. Staff was required to submit a draft code to DLCD in June to comply with a DLCD grant. The goal for the code updates were to increase the supply of middle housing, increase the tree canopy and preserve existing trees, and manage parking to enable middle housing. There was a virtual open house that ended in April. Respondents were asked about parking options. Most of the respondents supported allowing a combination of on and off-street parking to meet the parking requirements. Respondents were asked if they supported allowing less than one parking space per dwelling unit. 53% of the respondents said no, 35% of the respondents said yes, and 13% of the respondents were unsure. Respondents were asked about building form and trees. 55% of the survey respondents preferred buildings to be stacked and 70% of the respondents preferred multiple buildings on a lot. 58% of the respondents supported allowing a three story building to preserve a mature tree. **Commissioner Massey** asked, how and who would determine the maturity of a tree? **Kolias** responded, the purpose of this question was to understand how the public felt about residential building heights. If this became a policy, standards would be created.

Kolias said, there were options for how the City proceeded with adopting HB 2001 and whether the City used the model code. The model code was prepared by the Department of Land Conservation & Development (DLCD) for communities to implement house bill, outlined in Division 46. The model code was intended to provide guidance in implementing HB 2001. If the City does not adopt a code that is compliant with HB 2001 by June 2022 they must adopt the model code. Again, the City had options. It could adopt the model code as is, adopt portions of the model code, or adopt a completely new code that still met Division 46. The City of Milwaukie will not adopt the model code but will use it as a guide to develop its own code unique to Milwaukie that complies with HB 2001.

The parking recommendations were amending Table 19.605.1 to reduce parking minimums for newly defined middle housing types to one space per dwelling unit and amending 19.607 to allow parking within the front and street side yard setbacks. The parking space will be allowed within the front yard. **Commissioner Hemer** asked if the committee thought about electric vehicle charging stations. **Kolias** responded, the garage could be used for an electronic vehicle charging station. The goal was not intended to discourage garages. **Chair Loosveldt** shared, charging stations were evolving and plugs may not be necessary in the future.

The Planning Commissioner discussed parking alternatives related to the new code. **Commissioner Sherman** would like to know if the community would support houses without driveways or garages if that meant the houses cost less. The City had the ability to reduce parking on private property and allowing residents to park on the street. With this option, there would be ample parking available. There were several initiatives within the City's programs and policies to reduce parking and parking requirements. For the minimum parking requirements, it should be zero parking required. **Kolias** responded, the community supported a combination of on and off-street parking options. There were certain streets that had difficulties providing on-street parking which needed to be taken into consideration. **Commissioner Sherman** shared, if the City realized there was not enough on-street parking in the future, they could require permits and implement other tools to manage on-street parking. **Chair Loosveldt** shared, if the City allowed on-street parking it should also ensure the infrastructure followed, which included adequate sidewalks, curbs, and proper drainage. **Commissioner Erdt** shared, less parking will be needed due to fewer people owning cars and utilizing Uber, Lyft, and autonomous vehicles. **Chair Loosveldt** shared, if we allowed zero cars to be parked it would allow the market to drive whether a driveway or garage would be built, which could make building a house more affordable and cost effective. There must be a balance between on-street parking and necessary infrastructure. **Vice Chair Edge** shared, that the younger generations were owning fewer cars than baby boomers. With that being said, we cannot apply outdated information when it was no longer true or effective. There were new preferences and those needed to go into effect. The city was overbuilt with parking and they liked that residents were allowed to convert their garages into housing. The policy needed to be housing for people and not housing for cars. There was a process currently for developers to apply for a parking reduction through a Type II land use review process. This was an opportunity to create an amendment or process that was more accessible to seek parking reductions or modifications. **Commissioner Khosroabadi** agreed with Chair Loosveldt and Vice Chair Edge that parking reduction should be part of the code and the infrastructure needed to be in place to allow on-street parking. **Commissioner Hemer** asked, what was an on-street parking credit? **Kolias** responded, it basically meant that the applicant received credit for the parking requirement that was located on-street. **Commissioner Hemer** shared, off-street parking was still needed and was not as expensive as long as the applicant was not building a garage. They wanted the City to require one off-street parking space per unit. **Commissioner Massey** shared, the pandemic has caused individuals to purchase cars and fewer people were using public transit. They were unsure if it was a great idea to reduce the minimum off-street parking requirement to zero. This was something the group needed to think about further and prior to changing the requirement. They also shared, ride share was the way of the future. **Commissioner**

Edge asked Kolas if they would discuss cluster parking and chicane design. **Kolas** responded, as the City and community discussed on-street parking it was important that they considered street design and the various ways parking should be allowed. There were conversations about angled and parallel parking, alternative street cross sections, and other activities that would allow flexible and accessible parking options. The Planning Department had meetings with the Engineering and Public Works departments to understand what options were available and feasible. **Commissioner Sherman** shared, the Transportation System Plan was a great resource to assist with next steps and best parking activities for the future. **Kolas** agreed.

Kolas shared the recommendations for consolidated zones. There was a plan to have two residential zones instead of eight. The two zones were R1 (high density zones) and R2 (R-5, R-7, and R-10). Some key ideas were that 1,500 sq ft lots would be allowed for townhouses and cottage clusters and 3,000 ft lots would be allowed for single unit homes and duplexes. The goal was to allow smaller lots to be buildable and provide opportunities for homeownership. Zoning standards would be based on the lot size and if there was a smaller lot abutting a bigger lot both lots must comply with the setback standards of the bigger lot. **Commissioner Erdt** shared, there was a need for smaller lot sizes and suggested changing the front yard setback to 10 ft to give homeowners an opportunity to have a bigger backyard. **Commissioner Khosroabadi** shared, a smaller lot size and smaller houses would make ownership more attainable for individuals who could not afford to participate in the bidding war. They would like to see less setbacks for smaller lots to allow more living space or bigger backyards. **Commissioner Hemer** shared, setbacks were inconsistent in their neighborhood and should change to 0 ft or 5 ft from the property lines. The City should not regulate the type of housing on any lot. There should be one set of rules for all of the residential zones. **Vice Chair Edge** agreed with Commissioner Hemer and shared, the City should eliminate the setback requirements. **Commissioner Sherman** encouraged the Planning Department to consider every parcel and street when determining the new zones. Commissioners Hemer and Sherman wanted to mitigate any confusions regarding the new zoning and setback requirements.

Kolas shared the recommendations for housing types. The Comprehensive Plan Implementation Committee (CPIC) had discussed how the Planning Department should evaluate duplexes, triplexes, and quadplexes and whether they should be attached or detached. **Commissioner Sherman** shared his concerns for detached triplexes. Based on the example Kolas shared, they were concerned about vegetation and the lack of opportunity to grow anything. They also shared concerns about fire, safety, and access between the units. **Commissioner Hemer** shared, the importance of defining the various types of housing. Also, detached structures should have their own lot. The CPIC agreed that both attached and detached options should be allowed. Kolas asked the Planning Commission if ADU's should be allowed with middle housing. If so, what limits needed to be in place? **Commissioner Erdt** shared, they supported ADUs being allowed with middle housing. **Commissioner Massey** supported the idea as well. They were not concerned about housing types and constraints were not needed. **Commissioner Edge** shared, the Planning Commission should not be concerned about attached or detached units. They believed it was important to clearly explain the relationship between an accessory dwelling unit (ADU) and the primary structure. This was

important because the City could not require a parking space an ADU. **Commissioner Sherman** shared, they were reminded of the flag lot discussion and believed ADUs should have a similar privacy code. **Commissioner Khosroabadi** encouraged the Planning Department to be mindful of their tree canopy goals and ensuring ADUs aligned with the goals.

This concluded Koliass's presentation. They will return to the Planning Commission on June 8th to discuss the code adoption process.

Chair Loosveldt asked Koliass about the project process and a letter the Planning Commission and Department received from a community member. The community member wrote, the process was rushed and wanted to see more public engagement. **Koliass** responded, the next phase, which was the code adoption process, would respond to the community member's concerns. Koliass wanted to know if the community member thought June was the final step in the code process and that was not the case. There were still six months or more of work to do, including review opportunities for the public. **Chair Loosveldt** shared, the community member said, the process was built on an idea of equity and inclusion and participation of communities of color. The person wanted to know how communities of color would be included moving forward. **Koliass** responded, the Planning Department was working with the City's Equity Manager and would continue to do so to ensure there was participation from diverse community members. All information had been available in Spanish, there were separate meetings with a BIPOC group, and one that was run exclusively in Spanish. Moving forward the Planning Department will have in person opportunities to interact with the public.

(02:50:04)

7.0 Planning Department Other Business/Updates

(02:50:04)

8.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(02:53:06)

9.0 Forecast for Future Meetings

TBD: Staff is still determining the best date for a joint meeting with the Planning Commission and the Neighborhood District Associations.

June 8, 2021: Two accessory structure variances.

July 13: Comprehensive Plan Implementation Update

Meeting adjourned at approximately 8:30 PM.

Respectfully submitted,

N. Janine Gates
Assistant Planner